

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

TYRONE POWELL, et al.

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CRIMINAL NO. L-09-0373

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MOTION FOR RECONSIDERATION TO SUPPRESS STATEMENTS AND EVIDENCE

COMES NOW the Defendant, Tyrone Powell, by and through his counsel, Steven H. Levin, and respectfully requests this Honorable Court, pursuant to Rule 12 (b) of the Federal Rules of Criminal Procedure, to reconsider its suppression of all physical evidence and statements obtained from the Defendant at the time of his arrest on January 23, 2009. As part of this motion, the Defendant states as follows:

In addition to those arguments previously advanced, a review of the transcript of the testimony of Detective Louvado lends strong support to the argument that he did not see a hand-to-hand drug transaction that would have provided a basis for the traffic stop. If his testimony is to be credited at all, which we maintain it is not, then Detective Louvado saw at most Mr. Fitzgerald provide US currency to an unidentified black male in a well-lit area near video cameras, hotel patrons, and hotel employees. Detective Louvado acknowledged on the witness stand that Mr. Fitzgerald might have been purchasing anything:

A. No. I never said that I was able to see him purchase drugs. I saw a transaction of what I believed to be a suspected narcotics transaction, yes, sir.

Q. And you're also telling us that -- so it could have been anything that Mr. Fitzgerald was --

A. That's correct.

Based on this testimony, Detective Louvado's observations amounted to nothing more than watching a man approach another man in a well-lit vestibule and provide him with some amount of US currency in exchange for "anything." This alone hardly justifies a traffic stop.

WHEREFORE, for the foregoing reasons and those reasons previously articulated, the Defendant respectfully requests that the Court grant this motion to suppress any statements by the Defendant and any property taken from his automobile as a result of the search.

Respectfully submitted,

_____/s/_____
Steven H. Levin
Levin & Gallagher LLC
250 West Pratt Street
Suite 1300
Baltimore MD 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served, by electronic mail, on this 9th day of November, 2009, on the following: United States Attorney's Office, 36 S. Charles Street, Suite 400, Baltimore MD 21201.

____/s/_____
Steven H. Levin
Attorney for the Defendant